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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
AT DAYTON

UNITED STATES OF AMERICA, :

Case No. 3:01cr104
3:05cv266

vs. :

District Judge Walter Herbert Rice
Magistrate Judge Sharon L. Ovington

JOYCE KREST, :

Defendant/Movant. :

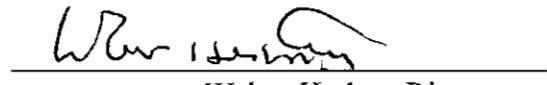
**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
FILED ON FEBRUARY 14, 2006 (Doc. #204); DENYING JOYCE KREST'S
MOTION TO VACATE SENTENCE (Doc. #197); A CERTIFICATE OF
APPEALABILITY UNDER 28 U.S.C. §2253(c) IS NOT ISSUED; AND
TERMINATING THE CASE ON THE DOCKET OF THIS COURT**

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #204), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendations filed on February 14, 2006 (Doc. #204) is ADOPTED in full;
2. Joyce Krest's Motion to Vacate Sentence (Doc. #197) is DENIED;

3. A certificate of appealability under 28 U.S.C. §2253(c) is not issued; and
4. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge